

## Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 ISO-00

DLOS-06 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

ACDA-19 COA-02 EB-11 OIC-04 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

DRC-01 /255 W

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R 252054Z OCT 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 488

INFO AMEMBASSY LONDON

C O N F I D E N T I A L USUN 4195

E.O. 11652: GDS

TAGS: PBOR, UN

SUBJ: LOS: CONSULTATIONS ON GENTLEMEN'S AGREEMENT AND  
FIRST COMMITTEE MEETING AM 25 OCTOBER

1. SUMMARY - EXTENSIVE CONSULTATIONS TOOK PLACE MORNING  
25 OCTOBER TO ATTEMPT TO ACHIEVE CONSENSUS ON WORDING OF  
GENTLEMEN'S AGREEMENT ON VOTING PROCEDURES TO BE FOLLOWED  
LOS CONF. RES NOW CALLS FOR INAGURAL SESSION  
5-18 DECEMBER. END SUMMARY.

2. GROUP OF 5 MET AT USUN EARLY TODAY TO EXCHANGE VIEWS  
OF PROPOSED VERSIONS OF "GENTLEMEN'S AGREEMENT" TO BE  
CONSIDERED IN CONJUNCTION WITH LOS RES. JEANNEL (FRANCE)  
INDICATED GROUP'S ATTEMPTS TO INTRODUCE ELEMENTS OF  
PRECISION ON VOTING PROCEDURE AT THIS STAGE WERE BEING  
WIDELY INTERPRETED AS INDICATIONS OF BAD FAITH. HE  
THEREFORE URGED IMPROVING CANADA DRAFT BY INSISTING AT  
MINIMUM TO GENERAL REFERENCE TO PARA 3 OF RES. UK,  
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SOVS AND US ALL NOTED STONG RESISTANCE TO MOVE THAT

WOULD IMPOSE REQUIREMENT ON CONF TO ESTABLISH MECHANISM FOR DETERMINING WHEN TO VOTE BUT NEVERTHELESS CONSIDERED IT ESSENTIAL TO MAKE THE ATTEMPT. JAPAN (OGISO) INDICATED WILLINGNESS TO JOIN ATTEMPT BUT ADDED GOJ COULD ACCEPT CANADA FORMULATION AND WOULD WORK TOWARD WHAT THEY WANTED IN PERIOD BETWEEN PRESENT AND ORG SESSION.

3. CONSULTATIVE GROUP MET ONE HALF HOUR LATER AND CHAIRMAN STATED COMPROMISE WAS STILL REQUIRED TO CREATE GENTLEMEN'S AGREEMENT THAT WOULD DISPEL MISTRUST AND REINFORCE MUTUAL FAITH AND GOOD WILL. AMERASINGHE NOTED THREE ACCEPTED THEMES: (A) NEED TO TREAT LOS ISSUES AS SINGLE ENTITY, (B) NEED TO DEVELOP ONE CONVENTION ON LOS, (C) RECOGNITION OF EXTREME IMPORTANCE OF PROBLEMS POSED TO VITAL NATIONAL INTERESTS WHICH THEREFORE NECESSITATES EVERY ENDEAVOR TO DECIDE BY CONSENSUS, AND VOTING ONLY WHEN ON VERGE OF DESPAIR.

4. CHAIRMAN THEN PROPOSED COMPROMISE TEXT WHICH WAS SUBSEQUENTLY REVISED TO MEET OBJECTIONS. COMPROMISE TEXT SUBMITTED TO COMITE 1 READS AS FOLLOWS:  
QUOTE: THE GENERAL ASSEMBLY RECOGNIZING THAT THE CONFERENCE AT ITS INAUGURAL SESSION WILL ADOPT ITS PROCEDURES INCLUDING ITS RULES REGARDING METHODS OF VOTING AND BEARING IN MIND THAT THE PROBLEMS OF OCEAN SPACE ARE CLOSELY INTERRELATED AND NEED TO BE CONSIDERED AS A WHOLE AND THE DESIRABILITY OF ADOPTING A CONVENTION ON THE LAW OF THE SEA WHICH WILL SECURE THE WIDEST POSSIBLE ACCEPTANCE, EXPRESSES THE VIEW THAT THE CONFERENCE SHOULD MAKE EVERY EFFORT TO REACH AGREEMENT ON SUBSTANTIVE MATTERS BY WAY OF CONSENSUS; THERE SHOULD BE NO VOTING ON SUCH MATTERS UNTIL ALL EFFORTS AT CONSENSUS HAVE BEEN EXHAUSTED; AND FURTHER EXPRESSES THE VIEW THAT THE CONFERENCE AT ITS INAUGURAL SESSION WILL CONSIDER DEVISING APPROPRIATE MEANS TO THAT END. END QUOTE.

5. JAMAICA INDICATED AGREEMENT WITH ABOVE TEXT IF FOLLOWING WERE ADDED: "GA RECOGNIZES, HOWEVER, THAT CONF IS MASTER OF ITS OWN PROCEDURES AND WILL DETERMINE ITS OWN RULES REGARDING METHODS OF VOTING."  
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6. COMPROMISE TEXT WAS SUPPORTED IN CONSULTATIVE GROUP BY FRANCE, MEXICO, CANADA, PERU, PHILIPPINES, NORWAY, TANZANIA, CHILE AND FIJI.

7. SOV DEL (KOLESNIK) HAS TOLD US THAT HE WILL ASK FOR VOTE ON RES (DESPITE PLEA BY AMERASINGHE AND BEASLEY THAT THERE BE NO VOTE) AND, ASSUMING THAT GENTLEMEN'S

AGREEMENT REMAINS, WILL THEN ABSTAIN. HE WILL EXPLAIN VOTE BY SAYING THAT GENTLEMEN'S AGREEMENT ALLOWED USSR TO ABSTAIN RATHER THAN VOTE AGAINST RESOLUTION. UK, JAPAN AND FRENCH REPS SAY THEY WILL VOTE IN FAVOR OF RES, ASSUMING THERE IS GENTLEMEN'S AGREEMENT.

8. US REP PLANS TO VOTE IN FAVOR OF RES IF GENTLEMEN'S AGREEMENT REMAINS IN TACT.

9. AMERASINGHE ANNOUNCED IN FIRST COMMITTEE MEETING ON MORNING OF 25 OCTOBER THAT ONLY POSSIBLE DATES FOR ORGANIZATIONAL SESSION WILL BE DECEMBER 5 TO 18.

10. WE UNDERSTAND THAT AFRICAN GROUP PLANS TO PROPOSE THAT COUNCIL ON NAMIBIA BE INVITED TO LOS CONFERENCE (POSSIBLY FOR OBSERVER STATUS ONLY), AS WELL AS GUINEA-BISSAU. PRC, ACCORDING TO CHAIRMAN, WILL SEEK INCLUSION OF REFERENCE TO GA RES 2758 (XXVI) IN OPERATIVE PARA 7 ON INVITATIONS.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 OCT 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973USUNN04195  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS SCALI  
**Errors:** N/A  
**Film Number:** n/a  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19731011/aaaaahqe.tel  
**Line Count:** 135  
**Locator:** TEXT ON-LINE  
**Office:** ACTION IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 OCT 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16-Oct-2001 by smithrj>; APPROVED <11-Dec-2001 by garlanwa>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS: CONSULTATIONS ON GENTLEMEN'S AGREEMENT AND FIRST COMMITTEE MEETING AM 25 OCTOBER  
**TAGS:** PBOR, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005